

REMARKS

Claims 6-10 were pending.

Claims 6 and 8-10 have been amended to clarify that which Applicants regard as the invention. Specifically, claim 6 has been amended to recite a viral interferon antagonist. Support for this amendment can be found in the specification, for example, at page 11, lines 21-24. Claims 8-10 have been amended to recite an influenza virus NS1, vaccinia virus E3L or Ebola virus VP36, respectively. Support for these amendments can be found in the specification, for example, at page 49, lines 34-39. No new matter has been added by these amendments. After entry of the present amendments, claims 6-10 will remain pending.

Entry of the foregoing amendments and consideration of these remarks is respectfully requested.

1. THE REJECTION UNDER 35 U.S.C. § 112, SECOND PARAGRAPH, SHOULD BE WITHDRAWN

Claims 8-10 were rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Specifically, the Examiner alleges that it is not clear what “NS1,” “E3L,” or “VP35” mean, since the claims do not identify the origin or source of these proteins. In an effort to advance prosecution of the present application, and at the Examiner’s suggestion, Applicants have amended claims 8-10 to recite the source of these proteins, i.e., to refer to influenza virus NS1, vaccinia virus E3L, and Ebola virus VP35, respectively.

In view of the foregoing, Applicants respectfully submit that the rejection of claims 8-10 under 35 U.S.C. § 112, second paragraph, for indefiniteness has been obviated and should be withdrawn.

2. THE REJECTION UNDER 35 U.S.C. § 112, FIRST PARAGRAPH, SHOULD BE WITHDRAWN

Claims 6-7 were rejected under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the written description requirement because the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, has possession of the claimed invention. Specifically, the Examiner alleges that, while the

specification teaches a variety of interferon antagonists encoded by viruses, the specification does not reasonably convey possession of the assay using the generic "interferon antagonist."

In order to advance prosecution of the application, Applicants have amended claim 6 to recite a viral interferon antagonist. Claim 7 is dependent upon claim 6. As the Examiner acknowledges that the specification teaches a variety of interferon antagonists encoded by viruses, Applicants respectfully submit that the rejection of claim 6-7 under 35 U.S.C. § 112, first paragraph, for lack of written description has been obviated and should be withdrawn.

Claims 6-7 were rejected under 35 U.S.C. 112, first paragraph, as allegedly not enabling any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention commensurate in scope with the claims. Specifically, the Examiner alleges that the specification, while being enabled for a method involving expression of a viral interferon antagonist, does not reasonably provide enablement for the broad genus of a generic interferon antagonist. The Examiner concludes that it would require undue experimentation to enable the full scope of the invention as claimed.

In view of the amendment to claim 6 to recite a viral interferon antagonist and the Examiner's acknowledgment that the methods involving expression of a viral interferon antagonist are enabled, Applicants respectfully submit that the claimed methods are enabled. Applicants respectfully submit that the rejection of claims 6-7 under 35 U.S.C. § 112, first paragraph, for lack of enablement has been obviated and should be withdrawn.

CONCLUSION

Applicants respectfully request that the present amendments and remarks be made of record in the instant application. If any issues remain in connection herewith, the Examiner is respectfully invited to telephone the undersigned to discuss the same.

Respectfully submitted,

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